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October 3, 2001

**DELIVERED BY MESSENGER**

Gregory J. Shelko  
 Assistant Executive Director-Secretary  
 Redevelopment Authority of the  
 City of Milwaukee  
 809 North Broadway  
 P.O. Box 324  
 Milwaukee, WI 53201-0324



Re: Objections and Comments to Redevelopment Plan for the Solvay Coke  
 Project Phase 1

Dear Mr. Shelko:

On behalf of Cliffs Mining Company ("Cliffs"), we are hereby submitting the following objections and comments to the Redevelopment Plan for the Solvay Coke Project, Phase 1 pursuant to Section 66.1333(6)(b)(3) of the Wisconsin Statutes. Cliffs believes that title to all property located at 311 East Greenfield Avenue has been transferred and conveyed to Wisconsin Wrecking Company. However, Cliffs also recognizes that a dispute exists with respect to whether it retains any interest in the real estate at 311 East Greenfield Avenue and to this extent has been limited as to its ability to facilitate action on the property. Other parties interested in the property have included statements to Cliffs indicating they have, or are negotiating, separate agreements with Wisconsin Wrecking Company. To the extent that Cliffs does retain rights in the real property, Cliffs is an interested party with respect to the Redevelopment Plan and makes the following three (3) objections and comments.

1. **Condemnation.** Map No. 5 and the Schedule of Lands and Interests attached thereto indicate that the 311 East Greenfield Avenue parcel is slated for acquisition by the Redevelopment Authority. Cliffs objects to a forced sale by condemnation of this property because it will likely lead to higher transaction costs in that litigation may be necessary to resolve the question of the title interests of Cliffs and Wisconsin Wrecking Company and the valuation of the property for condemnation purposes. Multiple

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private entities have expressed a desire to acquire this parcel, and we believe that the orderly investigation, remediation, if necessary, and redevelopment can proceed more quickly and with better efficiency if conducted by private parties in the ordinary marketplace. Negotiations are currently underway among the interested parties. The culmination of these discussions is intended to result in a resolution of the title issues by agreement, a plan for an orderly investigation of environmental and other conditions on the property, and the preparation of the site for redevelopment by demolition of above-ground structures and remediation of environmental contamination, if required. The purchaser of the land can and will work with the Redevelopment Authority in designing a future use plan for the property.

The entrepreneur who acquires this property will have studied the demand for uses in the area in order to develop the property for an economically viable use. This will inherently include a recognition of the use of neighboring properties and a demand for facilities in this area of the City. The expense, delay and uncertainty associated with litigation, which will likely arise in the event of condemnation, can be avoided, thereby speeding the redevelopment of the property and retaining more money for redevelopment efforts rather than litigation costs. Condemnation should be the last resort for guiding development of this property because there are sufficient market incentives in place to propel the interested private entities towards a thorough but efficient remaking of the property into new and productive uses.

2. **Rezoning.** The current zoning of the 311 East Greenfield Avenue parcel is industrial, specifically Category I/A/125. The properties to the north and east are also zoned in the same category. To the south and west some parcels are zoned industrial or lakefront, but the majority of the parcels are within manufacturing zoning districts. Thus, the land within the project boundaries is essentially surrounded by industrial or manufacturing areas. Furthermore, the municipal mooring basin abuts part of this property and is connected to the lower reaches of the Kinnickinnic River, which is navigable by commercial ships. The property is also near the Jones Island Treatment Plant and the Port of Milwaukee with associated bulk storage facilities.

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Thus, any land use plan purposed within the project boundary should consider the historical and current industrial and manufacturing uses in the nearby vicinity. This site has water access and potentially rail and highway access for manufacturing or other industrial usage. The City should not turn its back on the importance of the port area for the commercial health of the economy in this area.

Accordingly, Cliffs recommends that the land use plan retain industrial zoning on the subject property.

- 3 **River Sediments.** One objective of Phase 1 of the Redevelopment Plan is to facilitate redevelopment by determining the physical or environmental deficiencies and correct them. While the plan itself does not indicate that environmental investigation will include sediments in the Kinnickinnic River, other comments made in the press indicate that a review of river sediments may become part of the overall investigation. Although an investigation of river sediments in all of the tributaries to the Milwaukee Harbor may be a laudable project for long-term water quality improvement, the redevelopment of this particular parcel should not be complicated and slowed by the difficulties of attempting to integrate river sediment sampling and remediation.

Cliffs objects to the inclusion of river sediment sampling as part of the redevelopment plan for the 311 East Greenfield Avenue property. Examining river sediments in any of the three (3) rivers feeding the harbor as well as in the harbor itself involves a scope of investigation far beyond the redevelopment of any single property. The Kinnickinnic River drains a substantial area upstream from which pollutants could have been carried, has been historically used by many commercial vessels, and could be impacted by many properties along the river. Unlike soil samples on dry land, the contents of samples taken from the bottom sediments cannot be so readily traceable as to their origin.

As the foregoing comments indicate, Cliffs does not oppose the general idea of redevelopment of the property within the project boundary, but believes that the private market, properly motivated, can and will accomplish the investigation and redevelopment of these properties in the most cost-efficient manner and with the highest likelihood of producing

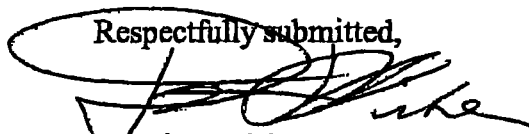
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economically viable uses into the future. We appreciate your consideration of these comments and look forward to further communications with the Redevelopment Authority regarding acceptable plans for this area.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis L. Fisher", is written over a circular stamp or seal.

Dennis L. Fisher

On Behalf of Cliffs Mining Company

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